**NEW HANOVER COUNTY**

**DEPARTMENT OF PLANNING & LAND USE**

230 Government Center Drive, Suite 110

Wilmington, North Carolina 28403

Telephone (910) 798-7165

FAX (910) 798-7053

planningdevelopment.nhcgov.com

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**ZONING & SUBDIVISION VARIANCE APPLICATION**

This application form must be completed as part of a request for a zoning and/or subdivision variance. The application submitted through the county's online COAST portal. The main procedural steps in the submittal and review of applications for a variance are outlined in the flowchart below. More specific submittal and review requirements, as well as the standards to be applied in reviewing the application, are set out in Section 10.3.11 of the Unified Development Ordinance.

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### 1. Applicant and Property Owner Information

<table>
<thead>
<tr>
<th>Applicant/Agent Name</th>
<th>Owner Name (if different from Applicant/Agent)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Joseph L. Higgs Jr.</strong></td>
<td><strong>Dr. Babatunde A. Olatidoye</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Company</th>
<th>Company/Owner Name 2</th>
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<tbody>
<tr>
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<table>
<thead>
<tr>
<th>Address</th>
<th>Address</th>
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</thead>
<tbody>
<tr>
<td><strong>4057 Tamarisk Ln</strong></td>
<td><strong>4111 Chapra Dr</strong></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>City, State, Zip</th>
<th>City, State, Zip</th>
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<tbody>
<tr>
<td>Wilmington NC 28409</td>
<td>Wilmington NC 28412</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Phone</th>
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<tbody>
<tr>
<td>703 795 7372</td>
<td>910 261 4858</td>
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<table>
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<tr>
<th>Email</th>
<th>Email</th>
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<tbody>
<tr>
<td>Higgsareo <a href="mailto:office@gmail.com">office@gmail.com</a></td>
<td><a href="mailto:bolatidog@gmail.com">bolatidog@gmail.com</a></td>
</tr>
</tbody>
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### 2. Subject Property Information

<table>
<thead>
<tr>
<th>Address/Location</th>
<th>Parcel Identification Number(s)</th>
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<tbody>
<tr>
<td>Wilmington</td>
<td>Comm 31016B</td>
</tr>
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</table>

| 4619 Serenity Pt, NC 28409 | LOT 2, MAP 3720314400 K |

<table>
<thead>
<tr>
<th>Total Parcel(s) Acreage</th>
<th>Existing Zoning and Use(s)</th>
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</thead>
<tbody>
<tr>
<td>0.52</td>
<td>VE (EL 14, 15 &amp; 16) R-15</td>
</tr>
</tbody>
</table>

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**Case Number:** ZBA-950

**Date/Time Received:** 8/14/20 12:00 PM

**Received by:** Linda Hunter

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Energov VAR-20-0002

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**RECEIVED**

AUG 14 2020

**NEW HANOVER COUNTY**

**PLANNING & LAND USE**

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**Page 1 of 4**

**Variance Application - Updated 02-2020**
3. Proposed Variance Narrative

Subject Zoning Regulation, Chapter and Section

In the space below, please provide a narrative of the application (attach additional pages if necessary).

This subject property is seeking approval to be granted a 60' COD setback in lieu of the current 75' setback due to the following conditions. The property line on the northside (water side) veers in deep into the center of the property causing this property to be unique and an outlier to the Serenity Point neighborhood. Upon close review with the 75' water setback and 30' public utility and drainage easement this property is very narrow in the center and severely impacted by available buildable area. Reducing 105' of front to back pushes the front left corner of the house to 9' from the street Rd, Serenity Pt. The left buildable area disallows a design proportion to the neighborhood as well as causing hardship and disallowing conformity with neighboring homes and potential uniformity. The ask is to be granted 15' COD/UD setback of total of 60' setback.

* SEE PHOTO #4

CRITERIA REQUIRED FOR APPROVAL OF A VARIANCE

The Board of Adjustment may grant a variance if it finds that strict application of the ordinance results in an unnecessary hardship for the applicant, and if the variance is consistent with the spirit, purpose, and intent of the ordinance. The applicant must explain, with reference to attached plans (where applicable), how the proposed use meets these required findings (attach additional pages if necessary).

NEW HANOVER COUNTY
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1. Unnecessary hardship would result from strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

    The current 75' setback (COD) and the 30' public utility and drainage easement use 105' of the center of the lot/buildable area in the center 49' deep. This is only possible if the house sits "out of conformity" and only 9' - 14' from the main asphalt road, Serenity Pt. It leaves no room for parking in front of the "proposed house" and no driveway. Thus the ask for this variance to be granted for a 60' COD approval to ensure the essential character of the neighborhood are not impaired and are consistent with the value and designs of the current homes.

* SEE PHOTO #5 & 6

Page 2 of 4
Variance Application – Updated 02-2020
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardship resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public, may not be the basis for granting a variance.

THE NORMAL HIGH WATER EDGE (NHWE) VEERS INTO THE CENTER OF THIS PROPERTY REDUCING BUILDABLE AREA SIGNIFICANTLY. TAKE 30' FROM THE FRONT PROPERTY LINE, INSTALL A SMALL 20' DRIVEWAY TO THE HOME FOR PARKING, ETC., AND IT LEAVES THE CENTER BUILDABLE AREA OF 36', INCLUDING DECKS, PATIOS AND HOME DESIGN.

IF GRANTED A REDUCTION FROM 75' SETBACK TO 60' SETBACK THIS WOULD ALLOW A DESIGN PROPORTION TO THE NEIGHBORHOOD AND SAFE SETBACK

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing the property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

THE CURRENT 75' SETBACK AND 30' FRONT EASEMENT USE 105' OF THIS LOT LEAVING DESIGN OF A HOME NON PROPORTIONAL AND NO AREA FOR OUTSIDE ENTERTAINMENT AREAS. THIS HOME WOULD HAVE TO SIT ALMOST ON TOP OF SERENITY PT ROAD, (9'-14' FROM ROAD).

4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

UPON GRANTING THE REQUESTED VARIANCE THIS WOULD ENABLE A HOME TO BE DESIGNED THAT WOULD BE IN CONCORDANCE WITH SERENITY PT NEIGHBORHOOD AND POSES NO PUBLIC SAFETY.

SUBSTANTIAL JUSTICE WOULD BE ACHIEVED IF THIS VARIANCE IS GRANTED

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SEE PHOTO'S #2 & 3

AUG 14 2020

NEW HANOVER COUNTY PLANNING & LAND USE
Staff will use the following checklist to determine the completeness of your application. Please verify all of the listed items are included and confirm by initialing under “Applicant Initial”. Applications determined to be incomplete must be corrected in order to be processed for further review.

Application Checklist

- This application form, completed and signed
- Application fee: $400 per application
- Site plan or sketch illustrating the requested variance
- One (1) hard copy of ALL documents
- One (1) PDF copy of ALL documents

Applicant Initial: [Signature]

Staff Initial: [Signature]

Acknowledgement and Signatures

By my signature below, I understand and accept all of the conditions, limitations, and obligations of the variance application for which I am applying. I understand that I have the burden of proving why this application meets the required findings necessary for granting a variance. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.

If applicable, I also appoint the applicant/agent as listed on this application to represent me and make decisions on my behalf regarding this application during the review process. The applicant/agent is hereby authorized on my behalf to:

1. Submit an application including all required supplemental information and materials;
2. Appear at public hearings to give representation and comments; and
3. Act on my behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of this application.

Signature of Property Owner(s): [Signature]

Print Name(s): [Name]

Signature of Applicant/Agent: [Signature]

Print Name: Joseph L. Higgs, Sr.

Date: 8.13.2020

Note: This form must be signed by the owner(s) of record. If there are multiple property owners, a signature is required for each owner of record.

- The land owner or their attorney must be present for the case at the public hearing

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NEW HANOVER COUNTY
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PROPOSED - 60' SETBACK

New Buildable Area
Fencing Proportion
Corner Yards
Deck/Portch
Pool

Drainage Easements
Zone VE (El. 15)
Zone TE (El. 14)
Zone VE (El. 16)

'Shaped' Wetlands
PER MB 59, PG 345

"404" Wetlands
PER MB 59, PG 345

Received Date: Aug 11, 2020

Line Table

<table>
<thead>
<tr>
<th>Line</th>
<th>Length</th>
<th>Bearing</th>
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<td>512°20'48&quot;W</td>
</tr>
<tr>
<td>L2</td>
<td>11.74</td>
<td>505°10'05&quot;E</td>
</tr>
<tr>
<td>L3</td>
<td>13.29</td>
<td>520°12'53&quot;E</td>
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<tr>
<td>L4</td>
<td>13.31</td>
<td>546°17'43&quot;E</td>
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<td>L5</td>
<td>21.55</td>
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<tr>
<td>L6</td>
<td>27.16</td>
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<td>L7</td>
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<td>586°27'49&quot;E</td>
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<tr>
<td>L8</td>
<td>17.05</td>
<td>562°14'29&quot;E</td>
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Neighbor's Block
Retaining Wall
Over 6.4' at Max.

NF SHAMAP FAMILY TRUST
DB 5853 PG 1177

If Granted
- Community Proportion
- Front Yard/Setback
- Allows Home Angle
- Towards Water
- Enables Design
- In Concordance
- With Neighborhood
- Common Area
- Safer Community
- Frontage
PHOTO #6
60' SETBACK

LOT 2

AUG 14, 2020

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MEKIAL